

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FRANK LABUZ and HARRIET LABUZ, )  
Plaintiffs, )  
v. ) CIVIL ACTION NO. 04-30036-KPN  
CASCADES DIAMOND, INC., )  
Defendant. )

DEFENDANT'S MOTION TO DISMISS  
PLAINTIFFS' COMPLAINT PURSUANT TO FED. R. CIV. P. 12 (b) (6)

The Defendant, Cascades Diamond, Inc., hereby moves this Honorable Court to dismiss the Plaintiffs' Complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief may be granted. The Defendant incorporates herein by reference the Defendant's Memorandum of Law Supporting Motion to Dismiss.

THE DEFENDANT  
Cascades Diamond, Inc.  
By its attorneys,  
Sullivan, Hayes & Quinn,

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Dated this 28<sup>th</sup> day of April, 2004.